



## **H.R. 2316 – Honest Leadership and Open Government Act of 2007**

### **Floor Situation**

H.R. 2316 is being considered on the floor pursuant to a structured rule. The rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Member of the Committee on the Judiciary.
- Waives all points of order against its consideration except for those arising under clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Makes in order only those amendments printed in the Rules Committee report accompanying the rule. Each amendment is debatable for 10 minutes.
- Provides one motion to recommit with or without instructions.
- The Chair may postpone consideration of the bill to a time designated by the speaker.

The rule also self enacts a change to the House Rules. Subparagraph (3)(Q) of clause 5(a) of rule XXV is amended to allow attendance at charitable events.

This bill was introduced by Representative John Conyers (D-MI) on May 15, 2007. The bill was ordered to be reported from the Committee on the Judiciary as amended, by voice vote, on May 17, 2007.

H.R. 2316 is expected to be considered on the floor on May 24, 2007.

### **Summary**

#### **Title I – Closing the Revolving Door**

The bill prohibits a Member, Delegate, or Resident Commissioner (“Member”) from conducting employment negotiations until after his/her successor is elected, unless a Member files a report on this matter to the Committee on Standards and Official Conduct within 3 days of beginning the negotiations.

Members must then recuse themselves (if they are engaged in employment negotiations) from any matter that may cause a conflict of interest. This employment negotiation provision also applies to staff members earning in excess of 75% of a Member's salary (\$123,900 ).

Any Member, Senator, or staff member who influences a private employer's hiring decision by threats of official action, or withholding official actions, may be fined and faces jail time of up to 15 years.

This title prohibits any lawyer or law firm, which is contracted to provide services to a Committee, Member of leadership in the House or Senate, covered legislative branch official, or working group/caucus, from lobbying on behalf of their interests for the duration of the contract and one year following the end of that contract.

*\*Note: This provision was not included in the introduced text. Rep. Chris Cannon (R-UT) offered this amendment during markup and it was agreed to by voice vote.*

#### Title II – Full Public Disclosure of Lobbying

H.R. 2316 requires lobbyists to file quarterly reports (4 per year) on lobbying activities with the Clerk of the House and the Secretary of the Senate. The current law requires lobbyists to file 2 reports a year. The reporting threshold is also lowered for dollar amounts spent on lobbying activities. Specifically:

- If a firm earns more than \$2,500 on lobbying activities (down from \$5,000);
- If a firm spends more than \$10,000 on lobbying activities (down from \$20,000);
- The name of a business that contributes more than \$5,000 to federal officials or candidates (down from \$10,000); and,
- The name of any business that contributes more than \$5,000 to a lobbying firm (down from \$10,000).

The report must include a certification that the lobbyist/lobbying firm did not provide any Member or staff member with gifts or travel in violation of House Rule XXV and Senate Rule XXXV.

This provision requires lobbyists to report contributions of more than \$200 which are given to Federal candidates or officeholders, leadership PACs, or political party committees. They must also report on any activities that went to:

- Pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

- An entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;
- An entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or,
- Pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials.

This legislation prohibits any lobbyists or lobbying firm from providing gifts or travel to Members or staff members, if they know those gifts are in violation of House and Senate rules.

The bill also requires disclosure of lobbying activities by certain coalitions and associations.

H.R. 2316 requires all lobbyists to disclose all past executive and congressional employments.

The bill requires these reports to be filed electronically with the Clerk of the House and the Secretary of the Senate. These reports must be maintained on a public website that is searchable.

#### Title III - Enforcement of Lobbying Restrictions

For people who violate the lobbying disclosure requirements, the civil penalty is increased from \$50,000 to \$100,000. The bill also creates a criminal penalty for violations with a jail term of up to 5 years.

#### Title IV – Increased Disclosure

The bill prohibits a Member's staff from having official contact with the Member's spouse if that spouse is a registered lobbyist.

H.R. 2316 requires the Clerk of the House to post travel and financial disclosure reports on a public website that is searchable.

#### **Amendments Printed in the Rules Report**

**1) Rep. Conyers (D-MI) Manager's Amendment.** This amendment would make technical corrections to the text of the bill. In addition, the amendment would clarify that only those organizations that are described in any paragraph of section 501(c) of the Internal Revenue Code of 1986, are exempt from disclosing their membership lists to the Clerk of the House, and would also permit Members to omit personally identifiable information not required to be disclosed on the reports posted on the Internet by the

Clerk.

**2) Rep. Dreier (R-CA)** The amendment adds language passed by the House as part of H.R. 4975 in the 109th Congress amending the post-employment restrictions contained in section 207(e) of title 18, United States Code. The amendment would direct the Clerk, in consultation with the Committee on Standards of Official Conduct, to inform a Member, officer, or employee who is subject to the post-employment restrictions on lobbying contacts contained in that section of the beginning and ending dates of the restriction. The Clerk must also inform each office of the House to which the restriction applies of the restriction. The amendment also adds a new provision directing the Clerk to place the information on its public Internet site in a format that is searchable, sortable, and downloadable.

**3) Rep. Abercrombie (D-HI)** This amendment places a one-year ban on flag and general officers of the Armed Services from receiving compensation from any company that does greater than \$50 million in business with the Department of Defense. This ban will take place 120 days from the enactment of the legislation.

**4) Rep. Castle (R-DE)** Amendment states that it is the sense of Congress that the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate.

**5) Rep. Cardoza (D-CA)** This amendment gives judges the discretion to increase the sentence for public officials convicted of bribery, fraud, extortion or theft of public funds greater than \$10,000. If a public official was convicted of one of the enumerated crimes, a sentencing judge would have the discretion to double the length of a sentence (up to two years) for those public officials. Public officials are defined as Federal, State, or local elected officials; Presidential appointees; or a State or local official appointed by an elected state or local official.

## **Background**

During the 109<sup>th</sup> Congress, House Republicans offered the Lobbying Accountability and Transparency Act of 2006 (H.R. 4975). This bill passed the House of Representatives by a recorded vote of 217 - 213 ([Roll no. 119](#)). The Senate received this bill, but took no further action.

The Republican lobbying reform bill contained many of the same provisions in H.R. 2316, and included more restrictions on the interactions between lobbyists and Congress. For example, H.R. 4975 contained a provision that rescinded a Member's pension from being drawn if that Member is convicted of a felony while serving in Congress.

## **Cost**

“CBO estimates that implementing H.R. 2316 would cost about \$1 million a year, beginning in fiscal year 2008, subject to the availability of appropriated funds. Enacting the bill could increase revenues and direct spending from fines and penalties on new violations of campaign finance laws, but CBO estimates that those effects would not be significant.” [Congressional Budget Office](#)

**Staff Contact**

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